

Message Text

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C O N F I D E N T I A L LISBON 5474

E.O. 11652: GDS

TAGS: PINT, PGOV, PO

SUBJ: CONSTITUENT ASSEMBLY

SUMMARY: CONSTITUENT ASSEMBLY HAS APPROVED TWO OF FUTURE CONSTITUTION'S EIGHT TITLES. ASSEMBLY'S DELIBERATIONS HAVE GENERALLY PROCEEDED SMOOTHLY AND DELEGATES ARE CONFIDENT THAT CONSTITUTION WILL BE COMPLETED BY DECEMBER 2 DEADLINE. PS AND PPD HAVE COOPERATED LOOSELY IN ASSEMBLY VOTING AGAINST PCP, BUT SOCIALIST PROCLIVITY FOR MARXIST LANGUAGE IN DRAFTING OF TITLE III HAS LED TO ACRIMONIOUS EXCHANGES. DAILY PRE-AGENDA DEBATES ON TOPICS OF NATIONAL INTEREST HAVE PROVIDED NON-COMMUNIST PARTIES WITH FORUM FOR AIRING THEIR VIEWS ON SALIENT POLITICAL ISSUES. PRESS COVERAGE OF ASSEMBLY PROCEEDINGS HAS BEEN GENERALLY NEGATIVE. "RECENTLY ANNOUNCED PROGRAM OF SIXTH PROVISIONAL GOVT INDICATES THAT POLITICAL SIGNIFICANCE OF CA WILL BE ENHANCED."

1. BARELY TWO WEEKS INTO ITS SECOND 90-DAY PERIOD OF DELIBERATIONS (LAW CREATING CONSTITUENT ASSEMBLY ALLOTTED 90 DAYS FOR DRAFTING OF CONSTITUTION WITH PROVISION FOR ADDITIONAL 90 DAYS SHOULD IT PROVE NECESSARY), CONSTITUENT ASSEMBLY HAS APPROVED FIRST TWO OF FUTURE CONSTITUTION'S PROJECTED EIGHT TITLES, AND IS IN FINAL STAGES OF DEBATE ON A THIRD. TITLES I AND II DEAL WITH, RESPECTIVELY, FUNDAMENTAL PRINCIPLES (E.G. DEFINITION OF PORTUGUESE TERRITORY) AND CIVIL RIGHTS AND DUTIES OF PORTUGUESE CITIZENS. TITLE III
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WILL DELINEATE ECONOMIC, SOCIAL, AND CULTURAL RIGHTS AND DUTIES

(E.G. RIGHT TO WORK, ORGANIZE UNIONS, ENGAGE IN STRIKES, AND HOLD PROPERTY). STILL TO BE CONSIDERED ARE: TITLES IV - COURTS; VII - LOCAL GOVERNMENT; AND VIII - MADEIRA AND AZORES.

2. DESPITE SEEMINGLY INTERMINABLE PROCEDURAL DELAYS AND OFTEN CONVOLUTED AND DRAMATIC DEBATE, WORK OF ASSEMBLY HAS PROCEEDED SMOOTHLY. DRAFTING COMMITTEES' PROPOSALS HAVE GENERALLY BEEN APPROVED WITH ONLY MINOR ALTERATIONS, THOUGH OFTEN AFTER CONSIDERABLE IDEOLOGICAL CHEST BEATING. CA DELEGATES OF MODERATE PARTIES - PS, PPD, CDS -- ARE SATISFIED WITH ASSEMBLY'S PACE, HAVING CONSIDERED IT UNREALISTIC TO EXPECT CONSTITUTION COULD BE DRAFTED IN 90 DAYS. THEY ARE CONFIDENT THAT DOCUMENT WILL BE COMPLETED WELL BEFORE DECEMBER 2 DEADLINE, PROBABLY IN MID-NOVEMBER.

3. PS HAS TENDED TO COOPERATE WITH PPD AGAINST PCP IN DRAFTING COMMITTEES AND ASSEMBLY VOTING. RECENT DEBATE ON TITLE III, HOWEVER, HAS FEATURED WELL PUBLICIZED, ACRIMONIOUS EXCHANGES BETWEEN PS AND PPD DELEGATIONS. THIS DISPUTE HAS ITS ROOTS IN FACT THAT PS REPRESENTATION ON TITLE III DRAFTING COMMITTEE WAS WEIGHTED HEAVILY IN FAVOR OF PARTY'S LEFT WING. AS RESULT, CERTAIN PROVISIONS OF THE COMMITTEE'S PROPOSAL (NOTABLY THOSE ON RIGHTS AND LIMITS OF PRIVATE PROPERTY) WERE PHRASED IN TERMINOLOGY REPUGNANT TO PPD. PCP HAS BACKED PS POSITION IN TITLE III DEBATES.

4. TANGENTIAL TO CA FORMAL PROCEEDINGS, BUT OF CONSIDERABLE POLITICAL INTEREST, HAS BEEN THE DAILY PERIOD OF PRE-AGENDA DEBATE ON TOPICS OF NATIONAL INTEREST. NON-COMMUNIST PARTIES HAVE USED PERIOD AS A FORUM FOR AIRING THEIR POSITIONS ON SALIENT POLITICAL ISSUES SUCH AS THE GONCALVES GOVERNMENT, PRESS LAW, AND THE ANTUNES MANIFESTO. THIS PERIOD WOULD BE EVEN MORE EFFECTIVE FORUM THAN IT IS WERE LISBON'S PRO-COMMUNIST PRESS MORE FULSOME (AND ACCURATE) IN ITS CA COVERAGE. WITH FEW EXCEPTIONS, PRESS HAS EMPHASIZED THE IRRELEVANT AND RIDICULOUS ASPECTS OF CA DEBATES AND PROCEEDINGS AND GENERALLY SOUGHT TO BELITTLE ITS POLITICAL IMPORTANCE.

5. COMMENT: THE AFM'S ATTITUDE TOWARD THE CONSTITUENT ASSEMBLY TO DATE HAS BEEN ONE OF BARELY DISGUISED ANTAGONISM. CONFIDENTIAL

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THE GONCALVES-LED GOVERNMENT FAILED TO PROVIDE CA WITH FINANCIAL AND LOGISTICAL SUPPORT WHICH WOULD BE TAKEN FOR GRANTED ELSEWHERE. (DEPUTIES, FOR EXAMPLE, MUST PAY OWN TRAVEL EXPENSES BETWEEN THEIR DISTRICTS AND LISBON.) THE EIGHT AFM FORMAL OBSERVERS OF ASSEMBLY PROCEEDINGS HAVE RELIGIOUSLY ATTENDED ALL SESSIONS AND HAVE ON OCCASION CRITICIZED ASSEMBLY FOR HAVING OVERSTEPPED ITS AUTHORITY IN PRE-AGENDA DEBATE. PROGRAM OF THE SIXTH PROVISIONAL GOVERNMENT, ANNOUNCED SEPT 13, INDICATES THAT

ALL THIS MAY CHANGE. THE PROGRAM COMMITS THE GOVERNMENT TO "GUARANTEE FUNCTIONING OF THE CA," PRESUMABLY AN INDICATION THAT OFFICIAL HARASSMENT WILL STOP AND MORE GENEROUS SUPPORT WILL BE FORTHCOMING. THIS GUARANTEE ALSO CARRIES AN IMPLICIT PROMISE THAT ELECTIONS FOR NATIONAL LEGISLATIVE ASSEMBLY WILL FOLLOW PROMULGATION OF CONSTITUTION. IN ADDITION, THE PROGRAM'S COMMITMENT TO PLURALISM IN THE STATE-CONTROLLED PRESS, IF CARRIED OUT, SHOULD ENHANCE CA'S ROLE AS A FORUM FOR DEBATE OF NATIONAL ISSUES. IN SHORT, IF THE NEW GOVERNMENT HOLDS TRUE TO ITS PROGRAM, THE CA WILL PLAY A MUCH MORE SIGNIFICANT ROLE ON THE POLITICAL SCENE.

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